

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

STANLEY LEON WADDELL,

Petitioner,

v.

**Civ. Action No. 1:18-CV-218
(Kleeh)**

WARDEN JENNIFER SAAD,

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 11]
AND DENYING AND DISMISSING PETITION AS MOOT**

On December 10, 2018, the pro se Petitioner, Stanley Leon Waddell ("Waddell"), filed a Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241. Waddell argued that his predicate convictions for his enhanced career-offender sentence no longer qualify, rendering his continued incarceration illegal.

Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred the action to United States Magistrate Judge Michael J. Aloi (the "Magistrate Judge") for initial review. On August 20, 2019, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the Court deny and dismiss the petition as moot because Waddell is no longer incarcerated. The R&R also informed the parties that they had fourteen days (and an additional three days for mailing) from the entry of the R&R to file "specific written objections, identifying the portions of the Report and Recommendation to which objection is made, and the basis of such

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objection." It further warned them that the "[f]ailure to file written objections . . . shall constitute a waiver of *de novo* review by the District Court and a waiver of appellate review by the Circuit Court of Appeals." Service of the R&R was accepted on August 28, 2019. To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations to which the [parties do] not object." Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 11]. The petition is **DENIED** and **DISMISSED AS MOOT**. This action is **STRICKEN** from the Court's active docket.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to

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counsel of record and to the pro se Petitioner, via certified mail,
return receipt requested, at the last known address as shown on
the docket.

DATED: November 26, 2019

Tom S Klee

THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE